THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.19375 of 2005

Date:01.09.2005

Siripuram Sailaja

----------Petitioner

The District Collector and others

----------Respondents

ORDER:

The petitioner has been appointed as an Anganwadi Worker in Bathili-I Village, Bhamini Mandal, Srikakulam District. On 29.07.2005, the Project Director-2nd respondent visited the Anganwadi Centre and received a report that the petitioner was seen, taking away about 5.5 kgs of dal, which was meant to be used for Anganwadi. A further allegation was to the effect that she has hidden about 88 kgs of rice, under firewood. On the basis of these allegations, the 2nd respondent placed the petitioner under suspension through proceedings, dated 29.07.2005. The petitioner was also required to submit her explanation to the notice issued on that day itself.

The 2nd respondent reported the matter to the District Collector-1st respondent. On receiving further instructions, the 2nd respondent reiterated the order of suspension through separate proceedings, dated 17.08.2005. The petitioner challenges the suspension ordered against her.

Sri G.Tuhin Kumar, the learned counsel for the petitioner, submits that the petitioner was initially placed under suspension on 29.07.2005 and that the subsequent order of suspension, dated 17.08.2005, amounts to the one imposing the penalty of suspension. He submits that no enquiry was conducted, much less a charge sheet was issued before the order, dated 17.08.2005 was issued. He contends that the suspension ordered against the petitioner is liable to be set aside.

The learned Government Pleader for Women and Child Welfare submits that the proceedings, dated 17.08.2005, are nothing but the continuation and reiteration of the earlier order, dated 29.07.2005, placing the petitioner under suspension pending enquiry. He further submits that the petitioner has been issued charge sheet separately and it cannot be said that the suspension was ordered against her, by way of penalty.

A perusal of the various proceedings, particularly those, dated 29.07.l2005 and 17.098.2005 issued by the 2nd respondent, disclose lack of experience in dealing with such matters. The 2nd respondent felt that having regard to the lapses noticed on the part of the petitioner, she has to be placed under suspension, and it was ordered on 29.07.2005. Once the petitioner was placed under suspension, the next step of issuing charge sheet, then holding enquiry, if necessary, ought to have followed. The 2nd respondent reported the matter to the District Collector and issued another proceedings, dated 17.08.2005. There was no necessity to place the petitioner under suspension once again through these proceedings, since the suspension ordered against the petitioner on 29.07.2005 was in force. Further, the use of expression such as ‘temporary suspension’ and issuance of a second order of suspension are superfluous and reflective of inexperience. All the same, it cannot be said that there was any major procedural lapse. This Court is not inclined to interfere with the order of suspension.

The post held by the petitioner is Anganwadi Worker. She has to depend upon

the salary for her livelihood. The matter cannot be kept pending indefinitely. It is no doubt true that the proceedings have commenced very recently.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing the 2nd respondent to conclude the proceedings initiated against the petitioner, duly following the procedure prescribed by law, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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01.09.2005

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